

Crawley Borough Council

Report to Planning Committee

25th September 2018

Appeal against Non-Determination of Planning Application CR/2017/0879/FUL - R/O GEORGE HOTEL, 56 - 58 HIGH STREET, WEST GREEN, CRAWLEY

Report of the Head of Economy and Planning, **PES/303**

1. Purpose

- 1.1. This report is being brought before the Planning Committee to explain the circumstances in relation to this application for which an appeal is now underway. The appeal has been lodged on the grounds that the Local Planning Authority (LPA) has failed to determine the application within the statutory time frame.
- 1.2. While the Planning Committee is no longer in a position to formerly determine this planning application, this report sets out the officers concerns with the application and the grounds on which they consider the planning appeal should be defended.
- 1.3. This report provides an opportunity for the Committee to consider the merits of the application, comment on the refusal reasons and the officer's appraisal of the scheme and consider whether there should be any other issues added or removed from the LPA's draft appeal statement attached as **APPENDIX 1** to this report.
- 1.4. The finished appeal statement is due at the Planning Inspectorate on 28th September 2018.

2. Recommendations

That the Planning Committee:

- 2.1. Notes the report and **AGREE** that if the application had been determined by the Planning Committee it would have been minded to refuse it for on the following 8 reasons as set out in section 6.1 of this report.

3. Reason for Recommendations

- 3.1 The Planning Committee endorsement of the recommendation set out in Section 2 provides a clear steer for the appeal inspector on the LPA concerns with the application which should help form a clear basis for discussion of the issues at the forthcoming Hearing. Such a recommendation also provides firm endorsement of the LPA adopted the Local Plan policies and Supplementary Planning Guidance.

4 Background

- 4.1 This application was validated by the LPA in November 2017 and was subject to the normal publicity and consultation requirements. Following a review of these comments Officers met with the agent to discuss the application and the feedback of consultees for which there were several objections raised. Additional information has been provided by the appellants and some issues have been resolved.
- 4.2 This application is major development and within a sensitive town centre location with many site constraints and considerations. While discussions around the issues had taken place informally with the agent, the appeal against non-determination was lodged prior to the LPA formerly writing to the agent/appellant with a comprehensive list of outstanding issues (which was to be provided once the all key consultee comments had been received).
- 4.3 The lodging of this appeal prevented the LPA from making a decision on the application. The appeal has now been started by The Planning Inspectorate (PINS) and is to proceed by way of Hearing. The Hearing date is set for 20th and 21st November.
- 4.4 The LPA has limited time in which to prepare its statement which is due at the Inspectorate on the 28th September. This report provides an opportunity for the planning committee to comment on the application and the officers proposed recommendations on the grounds for appeal.

5. Planning Considerations

- 5.1 The document attached as **APPENDIX 1** to this report is the LPA Draft Appeal statement. Within this document is all the evidence the Committee would have needed to determine the planning application this includes:
- Section 2 - Description of the site
 - Section 3 - Description of the development
 - Section 4 - Relevant planning history
 - Sections 5/6 - National and Local policy
 - Section 7 - Consultee and neighbour responses
 - Section 8 - Planning Considerations
- 5.2 Under Section 8 of the report all planning considerations have been addressed in a similar format as if it were a usual committee report. A summary of the key issues relation to the appeal proposal are set out below.
- 5.3 The principle of residential development on this site is acceptable, it would be a more efficient use of land and the site location, although in conservation area, does not preclude appropriate redevelopment.
- 5.4 A key concern is the impact of the development on nearby heritage assets (10 Ifield Road, The George Hotel and the High Street Conservation Area). The development is particularly harmful to the setting of the Grade II listed 10 Ifield Road. The appellants have not provided an adequate assessment of these heritage assets or provided sufficient information to satisfy the LPA that there would be no harm to these assets. The building is considered too large and detrimental to the character of street scene (Ifield Road and the High Street Conservation Area). While trees are being lost from the site, their loss is considered acceptable.
- 5.5 The development does not provide an adequate environment for future occupants. Some internal floor layouts are poor in design and outlook and there is concern about the proximity of key windows to the hotel accommodation. The layout is not considered to provide suitable amenity, privacy and security for some residents. Of particular concern are the ground floor flats which face onto Ifield Road and Pegler Way.

- 5.6 The site is very noisy with noise levels being detrimental to human health. The layout as designed would result in an unacceptable living environment. The layout as designed has failed to consider the noise environment or any mitigation.
- 5.7 The development has not adequately addressed the relationship to Shaw House to the north which is being converted to residential use. This development has flats with key rooms facing south, the amenities of these occupiers would be harmed the close proximity of a 4 storey flank wall facing these windows.
- 5.8 Access and servicing for the development is considered adequate. The proposal is for a shared car park with 44 spaces (10 spaces for the 38 flats and 34 spaces for the hotel). While the development does not meet the adopted parking standards, this level of provision is considered adequate given the site context within the town centre and subject to appropriate conditions controlling car park management and servicing arrangements. Refuse and cycle storage provision is adequate.
- 5.9 There are no ground constraints issues around archaeology, drainage and contamination.
- 5.10 In terms of sustainability, the scheme as designed has not addressed the relevant sustainability policies and a refusal reason is proposed based on inadequate information. It is however accepted that the appellants may be able to address this issue satisfactorily prior to the Hearing.
- 5.11 In respect of any affordable housing and other contributions, these would need to be secured through a S106 Agreement. The LPA had not initially sought an independent assessment of the viability report as it was expected that the scheme would need to be revised and therefore this report would have need to be amended. This report needs to be independently scrutinised. The appellants would also need to enter into a section 106 Agreement to secure the necessary open space contribution, tree mitigation contribution and secure the measures set out in their draft travel plan. With the cooperation of the appellants, these matters could all be resolved and a S106 concluded prior to the Hearing. The final refusal reason would therefore be overcome.

6. Issues

6.1 On the basis of the merits of the case it is considered that should a formal recommendation have been made to the Planning Committee, it would have been one of refusal for the following reasons:

- 1 The proposed development by virtue of its scale and massing is harmful the setting of the Grade II listed building of 10 Ifield Road contrary to Section 16 of the NPPF and policies CH12, CH13 and CH15 of the Crawley Borough Local Plan 2015-2030.
- 2 The proposed development fails to address the significance of the designated heritage assets in the vicinity of the site as it does not make any assessment of impact, the proposal therefore fails to accord with NPPF paragraph 189 and policies CH12, CH13, CH14 and CH15 in the Crawley Borough Local Plan 2015-2030
- 3 The proposed development by virtue of its scale, massing and siting is harmful to the visual amenities of Ifield Road and to the character of the High Street Conservation Area contrary to Section 16 of the NPPF and policies CH2, CH3, CH12, CH13 of the Crawley Borough Local Plan 2015-2030 and the advice with the Urban Design SPD and the High Street Conservation Area Statement.
- 4 The proposed development by virtue of its siting, layout, design and its proximity to the northern hotel accommodation block would result in an unsatisfactory environment for future residents due to poor outlook, inadequate amenity space, lack of privacy and lack of defensible space contrary to the NPPF Sections 8 and 12, policies CH3 and CH5 of the Crawley Borough Local Plan 2015 -2030 and the advice in the Urban Design SPD.
- 5 The proposed development by virtue of its siting, design, layout and lack of mitigation would result in a development with dwellings that would be exposed to unacceptable levels of noise

to the detriment of the health of future residents contrary to Section 15 in the NPPF, policies CH3 and ENV11 in the Crawley Borough Local Plan 2015-2030 and the advice in the Urban Design SPD.

- 6 The proposed development by virtue of its scale, massing and proximity to Shaw House would have a detrimental impact on the amenities of these future occupiers due to loss of light and outlook to their south facing windows contrary to policy CH3 in the Crawley Borough Local Plan 2015-2030 and the advice in the Urban Design SPD
- 7 The proposed development fails to address adequately how the development plan sustainability objectives are proposed to be met in the design of the building and its construction and has not fully explored the options for connection to a future district energy network. It is therefore contrary to policies ENV6 and ENV7 of the Crawley Borough Local Plan 2015-2030 and the advice in the Planning and Climate Change SPD.
- 8 No agreement is in place to ensure that the appropriate affordable housing and infrastructure provisions for open space and tree planting required to support the development are secured. The proposed development is therefore contrary to Policies IN1 and H4 of the Crawley Borough Local Plan 2015-2030, the Green Infrastructure SPD, the Affordable Housing SPD and the Developer Contributions Guidance Note.

Background Papers:

Application CR/2017/0879/FUL -

<https://planningregister.crawley.gov.uk/Planning/Display/CR/2017/0879/FUL>

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